

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

KAREEM S. PERRY,

Plaintiff,

v.

9:06-CV-1361

L. TICHLER,¹ *Physician, Upstate Correctional Facility,*

Defendant.

APPEARANCES:

OF COUNSEL:

KAREEM S. PERRY
Southport Correctional Facility
P.O. Box 2000
Pine City, NY 14871
Plaintiff, *Pro se*

HON. ANDREW M. CUOMO
Attorney General of the State of New York
The Capitol
Albany, New York 12224
Attorney for Defendant Tichenor

STEVEN H. SCHWARTZ
Assistant Attorney General

NORMAN A. MORDUE, CHIEF U. S. DISTRICT JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge Randolph F. Treece, duly filed on the 10th day of March 2009. Following ten days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

¹The correct spelling of the Defendant's name appears to be "Tichenor," not "Tichler." Dkt. No. 18-2, Defs.' Rule 7.1(a)(3) Statement at ¶ 1; Dkt. No. 18, Louise Tichenor Decl., dated Jan. 3, 2008. Accordingly, we will refer to Defendant using the correct spelling of her name.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. Defendant's Motion for Summary Judgment (Dkt. No. 18) is granted and the Complaint (Dkt. No. 1) is dismissed.
3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: April 21, 2009
Syracuse, New York


Norman A. Mordue
Chief United States District Court Judge